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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 VERNON WAYNE McNEAL,

11 Plaintiff,

No. CIV S-05-0441 GEB EFB P

12 vs.

13 EVERT, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations.  
17 *See* 42 U.S.C. § 1983. He requests an extension of time to file and serve objections to the  
18 September 24, 2007, findings and recommendations, recommending dismissal of defendants  
19 Bitle and Evert for plaintiff's failure to return forms necessary to serve said defendants. *See* Fed.  
20 R. Civ. P. 6(b).

21 In his motion, plaintiff explains that he has been waiting on discovery responses from  
22 defendants in order to provide information for service on those defendants. Defendants were  
23 granted a third extension of time in which to serve plaintiff with those discovery responses on  
24 September 28, 2007. Good cause appearing, plaintiff's October 9, 2007, request is granted and  
25 plaintiff has 30 days from the date this order is served to file and serve objections to the

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1 September 24, 2007, findings and recommendations, together with the USM-285 forms  
2 necessary to effect service on defendants Bitle and Evert.

3 Plaintiff requests a description of the discovery documents he received from defendants,  
4 claiming that the envelope containing them was open when he received them. Plaintiff is  
5 advised that defendants are only required to respond to specific requests. If plaintiff has  
6 identified that certain of his discovery requests are lacking responses from defendants, plaintiff  
7 may then specifically request that discovery from defendants. By operation of this order,  
8 plaintiff has an extension of time in which to inspect the discovery documents. Plaintiff's  
9 request for a list of what was included in his discovery responses is therefore denied without  
10 prejudice to its renewal at such time as plaintiff has inspected the discovery himself.

11 Accordingly, It IS HEREBY ORDERED that:

12 1. Plaintiff's request for an extension of time is granted, and plaintiff has 30 days from  
13 the date this order is served within which to file objections to the court's findings and  
14 recommendations, together with the forms for service on defendants Bitle and Evert;

15 2. The Clerk of the Court shall mail plaintiff 2 USM-285 forms and a copy of the  
16 amended complaint filed May 9, 2005;

17 3. Within 30 days from the date this order is served, plaintiff may submit the attached  
18 Notice of Submissions of Documents with 2 completed USM-285 forms providing instructions  
19 for service of process upon defendants Bitle and Evert and 3 copies of the pleading provided to  
20 plaintiff;

21 4. Failure to provide new instructions for service of process upon defendants Bitle and  
22 Evert within the time allowed or show good cause for such failure will result in this court's  
23 September 24, 2007, findings and recommendations being submitted to the district judge; and

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1           5. Plaintiff's October 9, 2007, request for defendants to describe the contents of the  
2 discovery they sent to plaintiff is denied without prejudice.

3 Dated: October 12, 2007.

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6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE McNEAL,

Plaintiff,

No. CIV S-05-0441 GEB EFB P

vs.

EVERT, et al.,

Defendants.

NOTICE OF SUBMISSION OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's order  
filed \_\_\_\_\_:

\_\_\_\_ 1 \_\_\_\_\_ completed summons form  
\_\_\_\_ completed forms USM-285  
\_\_\_\_ copies of the \_\_\_\_\_  
Amended Complaint

Dated:

\_\_\_\_\_  
Plaintiff